IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 742 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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KATARA BHURABHAI HALALBHAI

Versus

COLLECTOR OF DAHOD

Appearance:

1. Special Civil Application No. 742 of 2000

MR ANIL S DAVE for Petitioner No. 1

MS BANNA S DUTTA for Petitioner No. 1

RULE SERVED BY DS for Respondent No. 1-2

NOTICE SERVED BY DS for Respondent No. 1-2

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 13/08/2001

ORAL JUDGEMENT

Heard Ms. Banna S Dutta for the petitioner and

Mr. A.D. Oza for respondents.

2. What is challenged in this petition under Article 226 of the constitution is the notification dated 15-10-1997 (Annexure E) issued by the State Government under sec. 7 of the Bombay Land Revenue Code declaring and forming Fatehpura Taluka consisting of 96 villages with Fatehpura town as its headquarter.

3. The petition is filed by a member of Sukshar Gram Panchayat in Dahod district. Various contentions are raised in the petition including the contention to the effect that the village people had made a representation to the State Government to declare Sukshar Taluka and Sukshar as headquarter of the said Taluka. It is also contended that Sukshar will be more convenient town as headquarter of the Taluka comprising of all the villages which are presently placed in Fatehpura Taluka.

4. Affidavit in reply dated 20-8-2000 is filed by Mr. P.S. Pandya, Dy. Secretary, Revenue Department justifying the Government decision and pointing out the following facts:

(i) Fatehpura is a bigger town than Sukshar. Fatehpura has a population of 4591 whereas population of Sukshar is 2855.

(ii) There is a police station at Fatehpura and the area of all the 96 villages is covered by the said police station. There is no police station in Sukshar village which has only out post of the police.

(iii) Out of 48 villages which the petitioner wants to be included in Sukshar Taluka as many as 38 village panchayats had requested that Fatehpura Taluka be formed with Fatehpura as headquarters. Only remaining six villages had suggested formation of Sukshar Taluka.

(iv) Fatehpura is a fast developing town having two rice mills, commercial centre and District Panchayat Rest House whereas there is no industry in Sukshar.

(v) The distance between Fatehpura village and last Taluka village is 30 kms. whereas the distance from Sukshar to last Taluka village is 35 kms.

(vi) Even the Gram Panchayat of Sukshar passed a

Resolution dated 15-10-1997 for requesting constitution of Fatehpura Taluka and to make Fatehpura as its headquarter.

(vii) The local M.L.A. also recommended formation of Fatehpura Taluka with Fatehpura as its headquarter.

5. In view of the aforesaid justification given by the Government, the impugned decision cannot be said to be arbitrary or malafide. The very fact that Sukshar Gram Panchayat itself passed Resolution dated 15-10-1997 for formation of Fatehpura Taluka and to make Fatehpura as its headquarter is an eloquent testimony to the reasonableness of the decision of the State Government.

6. The petition is therefore dismissed. Rule is discharged.

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